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facsimile to the United States Patent and Trademark Office, Attn: Jason Cardone, Art Unit 2142 to
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5 *Jessica Pallach*
Jessica Pallach

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Donoho, et al

Docket No.: UNIV0001D5

Serial No. : 09/522,341

Art Unit: 2142

15 Filed: 03/09/2000

Examiner: Cardone, Jason D.

Title: ADVICE PROVIDED FOR OFFERING HIGHLY TARGETED ADVICE
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May 18, 2004

Commissioner of Patents and Trademarks

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25 P.O. Box 1450

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RESPONSE

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Sir:

Applicant responds to the Office Action mailed on 3/30/2004 as follows:

- 35 1. Applicant has reviewed the abstract and finds the original abstract to be in compliance with the requirements therefor, as set forth by the Examiner in the Office Action.
- 40 2. Applicant provides herewith a new title for the invention which is clearly indicative of the invention to which the claims are directed, as required by the Examiner.

3. The Examiner has rejected various claims under 35 USC 103 based on the combination of *Canale et al* (USPN 5619648) and *Salimando et al* (USPN 6185599).
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4. Applicant notes that subject application is a divisional of US Patent Application Serial No. 09/272,937 which was filed 3/19/1999 and which claims benefit of US Provisional Patent Application Serial No. 60/098,798 which was filed 09/01/1998. Accordingly, to qualify as prior art, a document must have a publication (or filing) date earlier than 09/01/1997. In this regard, applicant notes the *Salimando et al* reference has a filing date of November 19, 1997, i.e. after the critical date. Accordingly, *Salimando et al* is not prior art for purposes of 35 USC 103 and the Examiner's basis for rejecting the claims is therefore deemed moot. Accordingly, the application is in allowable condition and applicant earnestly solicits the Examiner conclude prosecution and forward to applicant a Notice of Allowance, such that the current invention may be protected by an issued US patent.
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5. Should the Examiner deem it helpful he is encouraged to contact the applicant's attorney, Michael A. Glenn, at (650) 474-8400.

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Respectfully Submitted,

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Michael A. Glenn
Reg. No. 30,176

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